

PART 282—APPROVED UNDERGROUND STORAGE TANK PROGRAMS

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§282.50 Alabama State-Administered Program.

(a) The State of Alabama is approved to administer and enforce an underground storage tank program in lieu of the federal program under subtitle I of the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. 6991 *et seq.* The State's program, as administered by the Alabama Department of Environmental Management, was approved by EPA pursuant to 42 U.S.C. 6991c and part 281 of this Chapter. EPA published the notice for final determination on the approved Alabama underground storage tank program concurrently with this notice and it will be effective on March 25, 1997.

(b) Alabama has primary responsibility for enforcing its underground storage tank program. However, EPA retains the authority to exercise its inspection and enforcement authorities under sections 9005 and 9006 of subtitle I of RCRA, 42 U.S.C. 6991d and 6991e, as well as under other statutory and regulatory provisions.

(c) To retain program approval, Alabama must revise its approved program to adopt new changes to the federal subtitle I program which make it more stringent, in accordance with section 9004 of RCRA, 42 U.S.C. 6991c, and 40 CFR part 281, subpart E. If Alabama obtains approval for the revised requirements pursuant to section 9004 of RCRA, 42 U.S.C. 6991c, the newly approved statutory and regulatory provisions will be added to this subpart and notice of any change will be published in the FEDERAL REGISTER.

(d) Alabama will have final approval for the following elements submitted to EPA in Alabama's program application for final approval and to be published in the FEDERAL REGISTER concurrently with this notice, and to be effective on March 25, 1997. Copies of Alabama's underground storage tank program may be obtained from the Ground Water Branch, Alabama Department of Environmental Management, 1751 W.L. Dickinson Drive, Montgomery, Alabama 36130.

(1) *State statutes and regulations.* (i) The provisions cited in this paragraph are incorporated by reference as part of the underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(A) Alabama Statutory Requirements Applicable to the Underground Storage Tank Program, 1996.

(B) Alabama Regulatory Requirements Applicable to the Underground Storage Tank Program, 1996.

(ii) The following statutes and regulations are part of the approved state program, although not incorporated by reference herein for enforcement purposes.

(A) The statutory provisions include: Code of Alabama 1975, Title 22, Chapter 36, Section 9 and Code of Alabama 1975, Title 22, Chapter 22A, Section 5(19).

(B) The regulatory provisions include: none.

(iii) The following statutory and regulatory provisions are broader in scope than the federal program, are not part of the approved program, and are not incorporated by reference herein for enforcement purposes.

(A) Code of Alabama 1975, Title 22, Chapter 36, Section 5, insofar as it refers to underground storage tank regulation fees.

(B) Code of Alabama 1975, Title 22, Chapter 36, Section 7, insofar as it refers to rules and regulations to establish and protect wellhead areas from contaminants.

(C) Alabama Department of Environmental Management Administrative Code Section 335–6–15–.05, insofar as it requires notification of underground storage tank systems taken out of operation on or before January 1, 1974.

(D) Alabama Department of Environmental Management Administrative Code Section 335–6–15–.45, insofar as it requires underground storage tank regulation fees.

(E) Alabama Department of Environmental Management Administrative Code R. 335–6–15–.47, insofar as it refers to financial responsibility for hazardous substance underground storage tank systems.

(2) *Statement of legal authority.* (i) “Attorney General's Statement for Final Approval”, signed by the Attorney General of Alabama on June 8, 1992, though not incorporated by reference, is referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(ii) Letter from the Attorney General of Alabama to EPA, June 8, 1992, though not incorporated by reference, is referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(3) *Demonstration of procedures for adequate enforcement.* The “Demonstration of Procedures for Adequate Enforcement” submitted as part of the final application in July 1994 and revised in March 1995, though not incorporated by reference, is referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(4) *Program Description.* The program description and any other material submitted as part of the final application in July 1994 and revised in March 1995, though not incorporated by reference,

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are referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(5) *Memorandum of Agreement.* The Memorandum of Agreement between EPA, Region 4 and the Alabama Department of Environmental Management, signed by the EPA, Regional Administrator on August 2, 1996, though not incorporated by reference, is referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

[62 FR 3614, Jan. 24, 1997]

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APPENDIX A TO PART 282—STATE REQUIREMENTS INCORPORATED BY REFERENCE IN PART 282 OF THE CODE OF FEDERAL REGULATIONS

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Alabama

(a) The statutory provisions include Code of Alabama 1975, Title 22, Chapter 36, Underground Tank and Well-head Protection Act:

Section 1

Short title.

Section 2

Definitions.

Section 3

Rules and regulations governing underground storage tanks.

Section 4

Information to be furnished by owner upon request of department; owner to permit access to records and entry and inspection of facilities.

Section 6

Expenditure of funds from leaking underground storage tank trust fund; investigative and corrective powers in regard to administration of funds; liability of owner or operator for costs.

Section 8

Availability to public of records, reports, or information obtained under chapter.

Section 10

Rules and regulations.

(b) The regulatory provisions include Alabama Department of Environmental Management, Administrative Code, Division 6, Water Quality Program, Volume II, revised effective: June 1, 1994, Chapter 335–6–15: Technical Standards, Corrective Action Requirements and Financial Responsibility for Owners and Operators of Underground Storage Tanks.

Section .01

Purpose.

Section .02

Definitions.

Section .03

Applicability.

Section .04

Interim Prohibition for Deferred UST Systems.

Section .05

Notification, except those USTs taken out of operation on or before January 1, 1974.

Section .06

Performance Standards for New UST Systems.

Section .07

Upgrading of Existing UST Systems.

Section .08

Plans and Specifications.

Section .09

Spill and Overfill Control.

Section .10

Operation and Maintenance of Corrosion Protection.

Section .11

Compatibility.

Section .12

Repairs Allowed.

Section .13

Reporting and Recordkeeping.

Section .14

General Release Detection Systems for all UST Systems.

Section .15

Release Detection Requirements for Petroleum UST Systems.

Section .16

Release Detection Requirements for Hazardous Substance UST Systems.

Section .17

Methods of Release Detection for Tanks.

Section .18

Methods of Release Detection for Pipes.

Section .19

Release Detection Recordkeeping.

Section .20

Reporting of Suspected Releases.

Section .21

Investigation Due to Environmental Impact.

Section .22

Release Investigation and Confirmation Steps.

Section .23

Reporting and Clean-up of Spills and Overfills.

Section .24

Initial Release Response.

Section .25

Initial Abatement Measures and Preliminary Investigation.

Section .26

Preliminary Investigation Requirements.

Section .27

Free Product Removal.

Section .28

Secondary Investigation Requirements.

Section .29

Corrective Action Plan.

Section .30

Corrective Action Limits for Soils.

Section .31

Corrective Action Limits for Ground Water.

Section .32

Alternative Corrective Action Limits.

Section .33

Risk Assessment.

Section .34

Public Participation.

Section .35

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Analytical Requirements.
Section .36
Temporary Closure.
Section .37
Permanent Closure.
Section .38
Site Closure or Change-in-Service Assessments.
Section .39
Applicability to Previously Closed UST Systems.
Section .40
Closure Records.
Section .41
Alternate or Temporary Drinking Water Source.
Section .42

Availability to Public of Records, Reports or information.
Section .43
Access to Records.
Section .44
Entry and Inspection of Facilities.
Section .46
Financial Responsibility for Petroleum UST Owners and Operators.
Section .48
Severability.

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